



The Town of Hilton Head Island Planning Commission LMO Committee

**Wednesday, April 6, 2011
6:00 p.m. – Benjamin M. Racusin Council Chambers**

AGENDA

As a Courtesy to Others Please Turn Off All Cell Phones and Pagers during the Meeting.

- 1. Call to Order**
- 2. Freedom of Information Act Compliance**
Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.
- 3. Approval of Agenda**
- 4. Approval of Minutes – March 16, 2011 Meeting**
- 5. New Business**
Proposed Waterfront Mixed Use (WMU) LMO Amendment
The LMO Committee will discuss and hear public comments on the proposed Outdoor Recreation and Water Front Mixed Use (WMU) District amendments to the Land Management Ordinance. The proposed amendments are to LMO Section 16-4-1204, Density Standards Table, and Section 16-4-1343, Outdoor Entertainment.
- 6. Adjournment**

Please note that a quorum of Town Council may result if four (4) or more of Town Council members attend this meeting.

1 THE TOWN OF HILTON HEAD ISLAND
2 Planning Commission
3 LMO COMMITTEE MEETING DRAFT
4 Wednesday, March 16, 2011 Minutes
5 6:00pm – Benjamin M. Racusin Council Chambers
6
7

8 Committee Members Present: Chairman Gail Quick, Jack Docherty, Terence Ennis,
9 Charles Young, and Loretta Warden, Ex Officio
10
11 Committee Members Absent: None
12
13 Other Commissioners Present: Tom Crews
14
15 Town Council Members Present: Bill Ferguson
16
17 Town Staff Present: Anne Cyran, Senior Planner
18 Teri Lewis, LMO Official
19 Heather Colin, Development Review Administrator
20 Jill Foster, Community Development Department
21 Kathleen Carlin, Administrative Assistant

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23
24 **I CALL TO ORDER**

25 Chairman Quick called the meeting to order at 6:00pm.
26

27 **II ROLL CALL**

28
29 **III FREEDOM OF INFORMATION ACT**

30 Public notification of this meeting has been published, posted and mailed in compliance
31 with the Freedom of Information Act and Town of Hilton Head Island requirements.
32

33 **IV APPROVAL OF AGENDA**

34 The agenda was **approved** as presented by general consent.
35

36 **V APPROVAL OF THE MINUTES**

37 The minutes of the July 7, 2010 meeting were **approved** as presented by general consent.
38

39 **VI NEW BUSINESS**

40 Chairman Quick stated that the LMO Committee will discuss and hear public comments
41 on the proposed Outdoor Recreation and Water Front Mixed Use (WMU) District
42 amendments to the Land Management Ordinance. The proposed amendments are to LMO
43 Section 16-4-1204, Density Standards Table, and Section 16-4-1343, Outdoor
44 Entertainment.
45

46 Ms. Anne Cyran made the presentation on behalf of staff. Ms. Cyran stated that based on
47 the request of a property owner, staff recommends adding outdoor recreation uses in the
48 WMU Zoning District, to be permitted with conditions. This will allow outdoor

1 recreation uses on properties on Broad Creek, Skull Creek and Port Royal Sound. This
2 will broaden the scope of outdoor recreation opportunities on the Island. The proposed
3 amendment will also expand opportunities for property owners to develop, redevelop and
4 market their properties.
5

6 Staff proposes removing the need for a special exception for outdoor recreation uses in
7 the CFB and RD Zoning Districts and instead allowing these uses to be permitted with
8 conditions. This change will expedite the approval of proposed uses by allowing the staff
9 to ensure that those uses meet the required conditions.
10

11 Staff proposes eliminating the condition that an outdoor entertainment or recreation use
12 cannot exceed four acres. Increasingly popular outdoor recreation uses, including zip
13 lines and trail bike riding, require larger areas.
14

15 Staff proposes adding a condition that prohibits the use of motorized structures or
16 equipment with outdoor recreation uses. This restriction does not apply to watercraft.
17 The restriction will limit noise, pollution, and odors created by motors from disturbing
18 the natural ambiance of these waterfront areas.
19

20 Staff proposes exempting sites with outdoor recreation uses from the requirement of
21 having access to minor arterials only. Many properties do not have direct access to a
22 minor arterial road but could still support outdoor recreation uses with minimal
23 interruptions to vehicular or pedestrian circulation. Sites with outdoor entertainment uses
24 will still be required to have access to minor arterials only.
25

26 Ms. Cyran stated that the proposed amendment is supported by Town Council's Policy
27 Agenda for 2011 which has amending the LMO to foster greater flexibility, simplicity
28 and revitalization listed as a Top Priority. This amendment is also supported by the
29 adopted 2010 Comprehensive Plan, which promotes providing flexibility for
30 redevelopment opportunities.
31

32 The proposed amendments to LMO Section 16-4-1204, Density Standards Table, and
33 Section 16-4-1343, Outdoor Entertainment will:
34

- 35 1) Allow outdoor recreation uses in the WMU Zoning District to be permitted with
36 conditions; and
- 37 2) Allow outdoor recreation uses in the CFB and RD Zoning Districts to be permitted
38 with conditions rather than by special exception; and
- 39 3) Eliminate the condition that an outdoor entertainment or recreation use cannot
40 exceed 4 acres; and
- 41 4) Add a condition that prohibits the use of motorized structures or equipment with
42 outdoor recreation uses. This restriction does not apply to watercraft; and
- 43 5) Exempting sites with outdoor recreation uses from the requirement of having
44 access to minor arterials only.
45

46 At the completion of the staff's presentation, Chairman Quick requested statements from
47 the LMO Committee.
48

1 Mr. Ennis and Mr. Docherty stated concern with the proposed use of a zip line feature because
2 this activity is most likely not in keeping with Hilton Head Island character (the towers and cable
3 lines would be unattractive and a departure from Hilton Head Island character. The LMO
4 Committee felt that, even if the zip line feature is approved for Broad Creek Marina, there is a
5 potential for unintended consequences with similar activities elsewhere on the Island. There is
6 too much risk and too many 'unknowns' to forward the proposed amendments (to the full
7 Planning Commission) as presented today.

8
9 Chairperson Quick then requested comments from the public and the following were received:

10
11 Mr. Roger Freedman, owner of Broad Creek Marina, presented statements in support of the
12 proposed amendments (particularly for approval of the zip line activity.) Mr. Freedman stated
13 that the addition of a zip line at Broad Creek Marina will be a benefit to the Island because it is
14 eco-friendly, educational, and promotes eco-tourism. The concept highlights what Hilton Head
15 Island is all about (nature, beautiful trees, and scenery). Mr. Freedman stated that the towers will
16 blend into the surrounding environment and will be less intrusive than current allowable uses (i.e.
17 multi-story condominiums; restaurant.)

18
19 The Committee and the applicant discussed the popularity of the zip line concept and the
20 marketability to Hilton Head Island.

21
22 Citizen, Mr. David White, presented statements with regard to Sec. 15-4-1324B. Mr. White
23 asked why RM-4 is not listed in the sequence as it should be. Mr. Williams asked that the staff
24 include RM-4 in the sequence.

25
26 Mr. Truitt Rabun, Land Planner, presented statements in support of the proposed amendments
27 (particular with regard to the zip line concept.) Mr. Rabun distributed drawings and photo of the
28 proposed project. Mr. Rabun stated that he believes that the proposed project fits the site
29 configuration and site analysis of Broad Creek Marina.

30
31 Heather Colin presented statements on behalf of staff regarding the request for a text amendment
32 to the LMO to allow this use. The appearance, land plan and other requirements would all have
33 to comply with LMO standards. The Committee stated concern with the potential approval of
34 something that could have negative impacts in the future (beyond the zip line use.)

35
36 Chet Williams, Esq., presented statements regarding the proposed amendments. Mr. Williams
37 stated that the Committee should understand the implications of the language that is being used.

38
39 At the completion of the discussion by the LMO Committee, Chairperson Quick requested that a
40 motion be made.

41
42 Mr. Docherty made a **motion** to **return** the proposed amendments to **staff** for additional study.
43 The LMO Committee does that want to approve such a drastic change. The LMO Committee
44 stated that the brand image of Hilton Head Island needs to be protected. There are too many
45 unknowns at this time.

46
47 Ms. Teri Lewis and Ms. Heather Colin presented statements with regard to the need for a Special
48 Exception before the Board of Zoning Appeals. The Committee and the staff discussed the issue
49 of separating Outdoor Recreation and Outdoor Entertainment. The Committee stated that the

1 language needs to be made tighter. Separating Recreation uses and Entertainment uses will be an
2 important key to the proposed amendments. The amendments will need to return to the LMO
3 Committee following the staff's additional study. The staff agreed to the Committee's
4 recommendation.
5

VII ADJOURNMENT

7 The meeting was adjourned at 7:00pm.
8
9

10 Submitted by:

Approved by:

11
12
13 _____
14 Kathleen Carlin
15 Administrative Assistant
16

11
12
13 _____
14 Gail Quick
15 Chairman

DRAFT



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: LMO Committee
VIA: Jayme Lopko, AICP, *Senior Planner*
FROM: Anne Cyran, AICP, *Senior Planner*
DATE: April 1, 2011
SUBJECT: Proposed Waterfront Mixed Use (WMU) LMO (Land Management Ordinance) Amendment

The proposed amendments to LMO Section 16-4-1204, Use Table, and Section 16-4-13XX, Outdoor Recreation, are attached for your review. The proposed amendments will:

- Allow limited outdoor recreation uses in the WMU Zoning District to be permitted by special exception; and
- Create specific use standards for outdoor recreation uses in the WMU Zoning District.

The proposed amendments **will not**:

- Allow outdoor recreation uses on all parcels adjacent to Broad Creek, Skull Creek or Port Royal Sound.
- Allow outdoor recreation uses to be permitted without all of the required Town permits and approvals.
- Allow outdoor recreation uses to be permitted by right. The proposed amendment would require property owner to obtain approval for a special exception from the Board of Zoning Appeals.
- Approve or permit a zip line at Broad Creek Marina or any other project. All outdoor recreation projects in the WMU Zoning District, including the proposed zip line, must be reviewed and approved by the Board of Zoning Appeals, the Design Review Board and the Community Development Department.
- Allow outdoor entertainment uses or water parks in the WMU Zoning District.

Please contact me at (843) 341-4697 or at annec@hiltonheadislandsc.gov if you have any questions.

Staff Explanation: Based on the request of the owner of Broad Creek Marina and the comments from the LMO Committee Meeting on March 16, 2011, staff recommends allowing limited outdoor recreation uses in the WMU Zoning District to be permitted by special exception. Staff also recommends adding specific use standards for outdoor recreation uses in the WMU Zoning District.

Parcels in the WMU Zoning District are adjacent to Broad Creek, Skull Creek and Port Royal Sound. Allowing limited outdoor recreation uses on these properties will broaden the scope of outdoor recreation opportunities on the island. This amendment will also expand opportunities for property owners to develop, redevelop and market their properties.

Per the LMO Committee's recommendation, this amendment will limit outdoor recreation uses in the WMU Zoning District to those permitted by special exception. Special Exception applications are reviewed by the Board of Zoning Appeals (BZA), which determines if the use meets both the Special Exception Review Criteria listed in LMO Section 16-3-1805 and the specific use standards listed in LMO Chapter 4, Article XIII, Specific Use Standards. Staff is concerned that requiring owners to apply for and receive BZA approval, a process that is a minimum of forty-five days long, is contrary to Town Council's goal of amending the LMO to foster greater simplicity.

Outdoor recreation uses do not currently have specific use standards. The LMO Committee suggested that the use standards for outdoor recreation in the WMU Zoning District include:

- 1) A condition confirming that sites will be used in a way to enhance their natural features;
- 2) A condition that the use of outdoor entertainment facilities be limited to daylight hours;
- 3) A condition prohibiting structures from being located in the marsh, common space or state-owned property;
- 4) A condition limiting site lighting to reasonable levels and prohibiting light fixtures from being attached to recreation structures;
- 5) A condition limiting mechanical or other noises; and
- 6) A condition that adequate roadway infrastructure be available for these uses.

Based on the LMO Committee's suggestions, staff proposes adding three specific use standards for outdoor recreation uses.

- A) "Uses shall be limited to those that both preserve and enhance the natural features of the subject parcel." This addresses concern #1 listed above.
- B) "Use of recreation facilities shall be limited to daylight hours." This addresses concern #2.
- C) "Site lighting fixtures shall not exceed 20 feet in height, whether attached to a structure or freestanding." This addresses concern #4. In addition, staff will review any outdoor recreation facilities to ensure they conform to the standards in LMO Section 16-5-1401, Site Lighting Design Requirements.

Three of the LMO Committee's concerns are addressed by current LMO and Municipal Code regulations and by the state's regulations.

- 3) Structures or uses are prohibited from wetland and other buffer areas by LMO Sections 16-5-808, 16-5-809 and 16-6-204. To build a structure in a wetland buffer, a property owner would have to obtain a variance from the Board of Zoning Appeals. Development in areas beyond the OCRM (South Carolina Office of Ocean and Coastal Resources

Management) Critical Line (including in the marsh and water) is reviewed and permitted by the State Department of Health and Environmental Control (DHEC). Staff is concerned that adding a use condition for areas governed by the state is an attempt to regulate development beyond the Town's jurisdiction that will result in conflicts without resolutions.

5) The Town's Municipal Code Section 17-4-114(5) limits daytime and nighttime sounds in several zoning districts, including the WMU Zoning District, to specific decibels. Staff believes that the regulation of noise is currently addressed by the Municipal Code.

6) Current project review processes include confirming that new streets meet the standards of LMO Section 16-5-504, Design Standards by Street Type, and that existing streets are capable of handling the anticipated traffic generated by new uses.

Please note that outdoor entertainment and water parks are separate uses in the Use Table. This amendment would not permit outdoor entertainment or water park uses in the WMU Zoning District.

Please also note that LMO Section 16-4-1213.C(4)(B), Outdoor Recreation/Entertainment, specifically states that, "Theme park, amusement park, boardwalk, or midway type attractions such as rides, bumper cars, go-cart tracks, game booths and all other similar attractions are only allowed inside completely enclosed buildings and are classified as Indoor Entertainment." This amendment would not permit these uses in the WMU Zoning District.

This amendment is supported by Town Council's Policy Agenda for 2011 which has amending the LMO to foster greater flexibility, simplicity and revitalization listed as a Top Priority. This amendment is also supported by the Adopted 2010 Comprehensive Plan, which promotes providing flexibility for redevelopment opportunities.

Chapter 4. Zoning District Regulations

Article XII. Use Regulations

Sec. 16-4-1204. - Use Table

Specific Use	WMU
P = Permitted By Right SE = Special Exception PC = Permitted With Conditions	
Outdoor Recreation/Entertainment	
Outdoor Recreation	<u>SE</u>

Article XIII. Specific Use Standards

Sec. 16-4-13XX. - Outdoor Recreation

Outdoor recreation uses in the WMU Zoning District shall be limited to those that meet all of the following criteria:

- A. Uses shall be limited to those that both preserve and enhance the natural features of the subject parcel.
- B. Use of recreation facilities shall be limited to daylight hours.
- C. Site lighting fixtures shall not exceed 20 feet in height, whether attached to a structure or freestanding.